

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-13, 15-22, and 25-30 are pending in the present application; Claims 1 and 12 having been amended, 29 and 30 having been added, and no claims canceled by way of the present amendment.

In the outstanding Office Action, Claims 25-28 were indicated as being directed to a non-elected invention, Claims 1 and 12 were rejected under 35 U.S.C. § 112, first paragraph, and each of the claims was rejected under 35 U.S.C. § 103(a) using a combination including at least Lawler (U.S. 5,758,259) in view of Ahmad et al. (U.S. 2006/0282387) and Liu (U.S. 6,553,281).

Claims 25-28 were not examined and alleged to be independent or distinct from the originally filed claims. This election/restriction requirement is respectfully traversed.

The outstanding Office Action provides no legitimate reason for the constructive election/restriction requirement. The claims at issues recite additional details of elements which exist in the independent claims. Additional details of a claimed element are not separate and distinct inventions but are part of the same invention as the invention of the independent claims.

The M.P.E.P. outlines reasons which are permissible for a restriction requirement such as the claims being directed towards different species, the inventions being independent from each other, and different but related inventions, as set forth in M.P.E.P. § 806.05 such as combination and subcombination, subcombination essential to combination, subcombinations usable together, etc. Because the reason of “the claimed feature of more detailed implementation” is not a legitimate reasons for giving a Restriction Requirement and such a reason is not supported by the M.P.E.P., withdrawal of the election/restriction requirement is respectfully requested.

Claims 1 and 12 stand rejected under 35 U.S.C. § 112, first paragraph. In response to this rejection, the feature of the “direction-of-view-evaluation module” has been moved so that it refers to an element in the communications terminal and it is not located at a remote server cite.

Accordingly, the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested to be withdrawn.

Each of the pending claims was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler in view of Ahmad et al. and Liu. These rejections are respectfully traversed.

The present invention, as recited in Claim 1, for example, relates to a system for distributing picture objects. The invention of Claim 1, for example, includes a user interests database in which user interests profiles are stored. A communication terminal comprises a direction-of-view-determining module for determining the current direction of view of at least one eye of the user with respect to the display unit.

There is a media center and claim 1 specifically recites:

the *media center* further comprises a direction-of-view-evaluation module, which, on the basis of the current *direction of view that is transmitted* in each case *by the respective communications terminal over the communication network to the media center*

It is emphasized that no prior art, either alone or in combination, discloses the feature of direction of view information transmitted over a network. While the prior art may have something related to the feature of eye tracking to determine whether a user looked at an advertisement, there is no transmission of direction of view information as claimed. Specifically, Ahmad discloses in paragraph [0040] that whether a user looked at an advertisement may be determined. However, in such a case, the processing of eye tracking would be performed at the user’s terminal. In the present invention of claim 1, *it is the media center that has the direction-of-view evaluation module*. Thus, the media center does the determination of what object was viewed, and this determination is based on direction of view

information that is transmitted to the media center. No prior art discloses the transmission of the direction of view, as claimed.

The prior art has nothing which discloses or suggests something which is remote from the user which determines what was viewed based on the direction of view, and the outstanding office action has not addressed this issue. Ahmad discloses in Figure 3 that statistics of viewing habits are transmitted to the publisher. See also paragraph [0040]. This is different from the claimed invention because the present invention transmits the direction of view over a network and the evaluation module of the media center then determines what has been viewed.

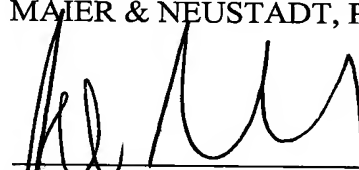
Based on the above, the rejection under 35 U.S.C. § 103 for each of the independent claims and the claims depending therefrom should be withdrawn.

Any claim not specifically addressed above is patentable for at least the reasons why the independent claim from which it depends is patentable. Added Claims 29 and 30 correspond to independent Claims 1 and 12 rewritten without the details of the eye tracker.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)